



in brief

Newsletter

April - June 2018

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CONFERENCE

Contemporary issues on the right to non-discrimination and the UN Convention on the Rights of Persons with Disabilities

The Jean Monnet Chair of the Law School of the Aristotle University of Thessaloniki, entitled "EU Social Rights Protection and Comparative Legal Cultures" and operating under the direction of Professor Christina Deliyanni-Dimitrakou, then Secretary (and now Director) of CIEEL, together with the French Institute of Thessaloniki and the Academic Network on the European Social Charter and Social Rights (A.N.E.S.C. - Réseau Académique sur la Charte Sociale Européenne et les droits sociaux - R.A.C.S.E.) co-organised a highly successful two-days conference on non-discrimination law and the UN Convention on the Rights of Persons with Disabilities ('CRPD'). The conference took place on April 23 and 24, 2018, in Thessaloniki, the first day at the 'Dimitrios Evrigenis' auditorium of CIEEL and the second day at the premises of the Law School of the Aristotle University of Thessaloniki, and its working languages were Greek and French, with simultaneous interpretation in both.

During the first session of the first day, chaired by Professor Vassilios Skouris, President of CIEEL, Professor Michel Miné delivered the introductory speech of the conference entitled "Tackling discrimination at work: recent jurisprudence of EU courts".

Afterwards, while Professor Ioannis Koukiadis was presiding, Mrs. Thérèse Aubert Monpeyssen, Professor and Judge at the French 'Cour de Cassation', Mr. Stergios Kofinis, Judge at the Administrative Court of Thessaloniki and Mrs. Stamatina Giannakourou, Assistant Professor at the European University of Cyprus, elaborated on the principle of non-discrimination and analyzed the relevant jurisprudence of the Greek courts. The second session, chaired by Professor Christina Deliyanni-Dimitrakou, included the speeches of Professors





CONFERENCE

Contemporary issues on the right to non-discrimination and the UN Convention on the Rights of Persons with Disabilities



Dimitris Zerdelis and Angelos Stergiou about age discrimination and housing as a fundamental right, and of the lawyer Dr. Panayiotis Bouboucheropoulos about the need to define 'harassment' as a legal notion. The two afternoon sessions of the first day concerned the UN Convention on the Rights of Persons with Disabilities. During the first session, chaired by Professor Petros Stangos, Member of the Council of the European Committee of Social Rights, Mr. Michel Blatman, Honorary Judge at the French 'Cour de Cassation', presented an overview of the Convention. Following, the Greek Ombudsman, Mr. Andreas I. Pottakis referred in his speech to the Ombudsman's activity as the competent Equality Body in cases of discrimination on the basis of disability. Mr. Ioannis Vardakastanis, President of both the Greek National Confederation of People with Disabilities and the European Disability Forum, focused on the actual implementation of the Convention in Greece and Europe and its future prospects. During the last afternoon session of the first day, chaired by Assistant Professor Despina Anagnostopoulou, Professor Achilleas Koutsouradis, Dr. Sotirios Kotronis, attorney at law, Dr. Anna Benioudaki, attorney at law and Mrs. Evanthia Kordoulia, PhD candidate, expressed their views about the rights of disabled persons. This session was concluded with the presentation of Dr. Elsa Adamantidou, Coordinator of CIEEL's Public Procurement Monitoring Unit, who encountered on issues concerning the special treatment of disabled persons in the field of public procurement law.

On the second day of the conference, chaired by Dr. Dimitris Goulas, post-doctoral researcher at CIEEL, topics about particular aspects of discrimination were examined. Further, a workshop took place, discussing the current challenges in the field of non-discrimination law.





JUSTICE Program

Seminar on the Rights of Refugees, Immigrants and Asylum Seekers



From the 18th till the 21st of June 2018, a four-day seminar on the rights of refugees, migrants and asylum seekers took place at the auditorium 'Dimitrios Evrigenis' of CIEEL.

The seminar was organized in the framework of the EU Funded Justice Program 'Training for a European Area of Justice - TrEAJus', a project assigned to the Centre of International and European Economic Law (CIEEL) in Thessaloniki and Frederick University of Nicosia, Cyprus. This project aims to develop the skills of jurists and to broaden their knowledge in specific areas related to the protection of fundamental rights in the European Union, and in particular:

- (a) the implementation of the EU Charter of Fundamental Rights,
- (b) the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law,
- (c) the personal data protection,
- (d) the rights of refugees,
- (e) the social rights protection.

On the first day of the seminar, Associate Professor Dimitris Christopoulos, President of the International Federation of Human Rights, presented the evolution of refugee law, referring to the case *MSS v. Greece* before the European Court of Human Rights as the starting point and ending to the recent Joint Statement between the European Union and Turkey. Emphasis has been given on the leading judgments of both the European Courts in Strasbourg and Luxembourg and on the relevant political initiatives.





JUSTICE Program

Seminar on the Rights of Refugees, Immigrants and Asylum Seekers



JUSTICE



During the second day of the seminar, Professor Michael Chrysomallis, Jean Monnet Chair holder at the Democritus University of Thrace Law School, analyzed the current developments in the field of European asylum law. The role of the ECtHR as well as of the CJEU and the contribution of their jurisprudence to the formulation of refugee law was placed at the center of his lecture. Afterwards, the participants were asked to take part in a workshop, where practical cases were discussed in depth.

On the third day of the seminar, Mrs. Andriana Kostopoulou, President of the ad hoc Committee for the Rights of the Child of the Council of Europe, highlighted the need for protecting the refugees' and immigrants' children and stressed out the requirement to formulate a set of joint rules and principles with the contribution of the UN, the Council of Europe, the EU institutions, as well as the jurisprudence of the ECtHR. Thereafter, Professor Elina Moustaira elaborated on the issue of the 'naturalisation' of third country nationals, referring to the relevant legislation, addressing key aspects of the naturalisation process and making a critical assessment of the jurisprudence.

On the fourth and last day of the seminar Professor Dimitris Skiadas, Jean Monnet Chair holder at the University of Macedonia, Thessaloniki, encountered on various aspects of the refugee crisis. Furthermore, participants were asked during a workshop to answer questions by applying the relevant EU legislation.

The seminar was attended by lawyers and judges from Greece and Cyprus. The training material of the seminar (e.g videos, power point) will be posted on the site of the program.



- » Η πρακτική αποτελεσματικότητα των κανόνων του δικαίου της Ένωσης και η ανάγκη ταυτοποίησης κριτηρίων τους στα κράτη μέλη επιβάλλουν την αυτονόμη έννοια της έννοιας.
- » Επιπλέον, η έννοια δεν προσδιορίζεται με βάση την εθνική νομοθεσία, εκτός και αν προϋποθέτουν: α) αντίθεση για τήλωση συμβαίνει λ.χ. στο κλάδο της Οδηγίας 1999/70.
- » Στην περίπτωση κρίσεων προβάλλει το δικαστήριο.



SEMINAR

Contemporary issues of European Labour Law

The Jean Monnet Chair of the Law School of the Aristotle University of Thessaloniki, entitled "EU Social Rights Protection and Comparative Legal Cultures" and operating under the direction of Professor Christina Deliyanni-Dimitrakou, Director of CIEEL, with the valuable contribution of Dr. Dimitris Goulas, post-doctoral researcher at CIEEL, co-organized with CIEEL a four-day seminar on European Labour Law. The seminar was held from the 26th to the 29th of June 2018 at the auditorium 'Dimitrios Evrigenis' of CIEEL.

In particular, the seminar was actually a practice-oriented closed workshop, where 25 legal practitioners (lawyers, judges, etc.) participated, focusing on issues that have been examined by the recent jurisprudence of Greek and EU courts.

On the first day of the seminar, Assistant Professor Dimosthenis Lentzis encountered the concept of "worker" in EU law and referred to the current approaches of its "classic" definition. Afterwards, the participants were asked to work on a





Νομική Σχολή
Αριστοτέλειο Πανεπιστήμιο Θεσσαλονίκης

Εδρα Jean-Monnet

Προστασία των Κοινωνικών Δικαιωμάτων στην ΕΕ
και Συγκριτικοί Νομικοί Πολιτισμοί

Σ Ε Μ Ι Ν Α Ρ Ι Ο

Σύγχρονα θέματα
ευρωπαϊκού εργατικού δικαίου



SEMINAR

Contemporary issues of European Labour Law



rather complex 'case-study' and discuss further the answers given by all of them.

On the second day, the Director of CIEEL, Professor Christina Deliyanni-Dimitrakou, analyzed the matter of the existence of multiple sources of European labour law and the need to resolve the incompatibility between them. Professor Aristeides Kazakos then developed his concerns about the relationship between labour law, trade union rights, and freedom to conduct a business, in the light of a critical analysis of the case-law of the courts.

During the third and the fourth day, Mr. Dimitrios Sideris, Lecturer at the Aristotle University of Thessaloniki, and Mr. Dimitrios Vassiliou, attorney specialized in labour law, presented the recent developments in the field of collective redundancies and the termination of fixed-term employment contracts, respectively. The participants, who rated the seminar as especially interesting and useful, were again asked to resolve relevant practical cases.





XXVIII CONGRESS ESTORIL 23-26 MAY 2018

XXVIII Congress

of the International Federation of European Law 'FIDE'

The XXVIII Congress of the International Federation of European Law (Fédération Internationale pour le Droit Européen - 'FIDE') was held at the Congress Centre of Estoril, Portugal, from the 23rd till the 26th of May 2018.

Established in 1961, FIDE brings together the European law associations of each Member State, as well as of candidate countries and Norway and Switzerland. Being the common umbrella organization, it is highly acknowledged by many as having a remarkable role on the development and shaping of both European legal framework and culture, over more than 50 years of existence. FIDE's most important activity consists in the organisation of biennial FIDE Congresses, in which three topics, chosen according to their general interest and relevance for the process of European integration, are presented. These congresses are regarded to be among the most significant and reputable conferences on EU law. Prominent and internationally acknowledged representatives from the academic, judges and advocates general from the Court of Justice and the General Court of the EU, as well as from national supreme and other courts, officials from the Commission, the Council, the EU Parliament, national ministries, practicing lawyers and law students are discussing and exchanging views on the evolution of the European Union and its legal order.

In this year's Congress, which was organized by the Portuguese Association for European Law ('APDE') and had over 550 participants, the three topics were the following: Topic I "The internal market and the digital economy", Topic II "Taxation, State aid and distortions of competition" and Topic III "The external dimension of the EU policies".





The Research Director of CIEEL and Coordinator of CIEEL's State Aid Unit, Dr. Eftychia Mouameletzi, and the Researcher of CIEEL and Member of CIEEL's State Aid Unit, Ms. Ekaterini Sgouridou, together with the Assistant Professor of the Aristotle University of Thessaloniki, Ms. Aikaterini Savvaidou, were the national rapporteurs of Greece for the Topic II of the Congress. This Topic focused mainly on the analysis of the so-called 'tax rulings' decisions, which were extensively examined by the European Commission in the recent cases about special invoicing tariffs concerning intra-group transactions of multinational companies (Fiat, Apple, Starbucks, Amazon). The relevant EU Commission's decisions, which have already been brought before the EU Courts, order those Member States which have adopted the 'tax rulings' decisions to recover from these multinational groups large sums of money that were found to constitute unlawful and incompatible aid. Within the framework of Topic II were also discussed issues, arising in the context of the implementation of double tax treaties and bilateral investment treaties (BITs), as well as in the context of the recovery of unlawful state aid.

Ms. Despina Anagnostopoulou, Assistant Professor of the University of Makedonia in Thessaloniki, and Ms. Sylvia Stavridou, Assistant Professor of Democritus University of Thrace, were the national rapporteurs for Topic I, while Professor of the University of Luxembourg, Ms. Eleftheria Nenframi, for Topic III.

The highly successful XXVIII FIDE Congress was completed with the presentation by the General Rapporteurs of the conclusions on each Topic and a round table on the controversial issue of Brexit, chaired by Professor Vassilios Skouris, President of CIEEL.



S Y M P O S I U M

Revisiting Solidarities in Europe

On June 18 and 19, 2018, the Chair of the 'Collège de France' on the Social State, Globalization and the legal analysis of the various forms of solidarity, operating under the direction of Professor Alain Supiot, organized at the 'Marguerite de Navarre' auditorium in Paris a conference entitled "Revisiting Solidarities in Europe". The speakers of the conference were prominent academics and its main purpose was to contribute to the creation of a European public debate on how the notion of "solidarity" has been recently formulated in the framework of the existing economic and migratory crisis, unemployment, as well as the fair distribution of public burdens and the risks of the financial system.

The Director of CIEEL, Professor Christina Deliyanni-Dimitrakou, who participated in the conference, presented on Tuesday, June 19, 2018 the topic «Refugees and 'nouveau pauvres' - the two poles of solidarity in Greece and Europe». Mrs. Deliyanni analyzed the solidarity policies that the European Union has implemented in Greece, occasioned by the two serious crises that both Greek society and Europe have faced during the last ten years: the 2010 fiscal crisis on the one hand and the refugee crisis, on the other hand, which peaked in 2015.

In particular, Professor Deliyanni focused on the impact of EU solidarity policies on the relevant existing social structures in Greece and on the development of new informal forms of solidarity, such as the non-governmental organizations (NGOs). However, as she underlined, the financial and refugee crisis is not only a Greek phenomenon, but they concern all the Member States and are directly linked to European integration and affect its further perspective. Against this background, Professor Deliyanni concluded that certain measures need to be taken at the EU level in order to strengthen the European solidarity policies and address more effectively the risks of the fiscal and refugee crisis.





Europe in dialogue: challenges and opportunities

On Wednesday 30 May 2018, an event about the challenges and opportunities that Europe is facing was held at CIEEL's premises, organized by the Consulate General of the Federal Republic of Germany in Thessaloniki and the Greek Scholars' Association of the German Service Academic Exchanges (DAAD) as part of the 'Federal Government Lecture Program 2018'.

The event, which was co-ordinated by Professor Athanasios Kaisis, Member of the Governing Board of the International University of Greece, opened with the greetings of the Consul General, Mr. Walter Stechel, and of the President of the Greek Scholars' Union of DAAD, Professor Panagiotis Ladas. Following, Dr. Nils Minkmar, historian and journalist, managing editor for cultural issues of the magazine 'Der Spiegel', and Professor Vassilios Skouris, President of CIEEL, exchanged views on Europe's future.

Both speakers focused on the relationship between national legal systems and European law and the relevant obligations that membership entails to all EU Member States. Mr Minkmar referred to the influence of European law on national parliamentary procedures and the exercise of governmental policy. Professor Skouris stressed out the European Union's dimension as a community of law and referred to the cases of Hungary, which did not respect the EU decisions about the refugee crisis, and of Poland where governmental intervention over the appointment of judges and members of the country's Supreme Court constituted a systemic threat to the rule of law and the principle of the separation of powers.

The event was attended by the German Consul, members of the German community of Thessaloniki, as well as academics, lawyers, students, who all participated in the interesting debate that followed



Twinning Project

Support to the Ministry of Taxes of the Republic of Azerbaijan in Transfer Pricing and developing Anti-Tax Avoidance measures

Kick-off Meeting

The Opening Event of the Twinning Project took place on April 17 in Baku, Azerbaijan. The project is implemented by CIEEL, in cooperation with the Greek Independent Authority for Public Revenue and the Ministry of Taxes of the Republic of Azerbaijan.

CIEEL, which submitted the proposal in co-operation with the Greek Independent Authority for Public Revenue was selected by the EU as the implementing body of this program following an international tender procedure. The two-year program aims to provide know-how to the Azerbaijani Ministry of Taxes for the adoption of an effective legal framework in order to address tax evasion through transfer-pricing.

The Minister of Taxes of the Republic of Azerbaijan, Mr. Mikayil Jabbarov, opened the event followed by the Greek Ambassador, Mr. Nikolaos D. Kanellos. The European Union Ambassador to Baku, Mr. Kestutis Jankauskas, and the representative of CIEEL, Mrs. Elsa Adamantidou, then took the floor, while members of the Greek Independent Authority for Public Revenue also participated in the event. All the speakers stressed out the great importance of the program in creating a favorable business and investment climate, optimizing the national tax system and further improving existing

The event was attended by senior officials from the government of Azerbaijan and representatives of foreign embassies in Baku.





Brexit

European Council of June 29, 2018: Review on the state of play of negotiations

On June 29, 2018, the European Council, in an EU 27 format, reviewed the state of play of Brexit negotiations and adopted conclusions on progress made. A few days earlier, on June the 26th, the General Affairs Council, in an EU 27 format too, was respectively briefed on the subject by the EU's chief negotiator Michel Barnier with a focus on the next steps.

In light of the state of play presented by the Union negotiator, the European Council welcomed the further progress made on parts of the legal text of the Withdrawal Agreement. However, leaders highlighted that important aspects still need to be agreed.

EU27 leaders expressed their concern that no substantial progress has yet been achieved on agreeing a backstop solution for Ireland/Northern Ireland. The Council recalled the commitments, undertaken by the UK in this respect in December 2017 and March 2018, and insisted on the need for intensified efforts, so that the Withdrawal Agreement, including its provisions on transition, can be concluded as soon as possible in order to come into effect on the date of withdrawal. It, also, underlined that negotiations can only progress as long as all commitments, undertaken so far, are fully respected.

Furthermore, the Council stressed that work has to be accelerated with a view to preparing a political declaration on the framework for the future relationship. This requires further clarity, as well as realistic and workable proposals from the UK regarding its position on the future relationship. The European Council reconfirmed the principles set out in its guidelines and the position defined in March 2018, whereas recalled that, if the UK positions were to evolve, the Union will be prepared to reconsider its own positions, in accordance with the principles stated in the guidelines of 29 April and 15 December 2017 as well as of 23 March 2018.

Finally, the European Council renewed its call upon Member States, EU institutions and all stakeholders to step up their work on preparedness at all levels and for all outcomes, as March 2019 quickly approaches and solutions to all remaining issues should be timely found.

